

1 JS-6
2
3
4
5
6
7
8
9
10
11
12
13
14

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOPHIE, INC., formerly known as
mSTATION Corporation, a California
Corporation,

Plaintiff,

v.

BYUNGHO KWAK, an Individual, et
al.,

Defendants.

Case No.: SACV11-01339 JST (MLGx)

JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Plaintiff MOPHIE, INC., is hereby awarded final judgment on its claims for relief against Defendant BYUNGHO KWAK, in the sum of \$118,750.00 under 15 U.S.C. § 1117(c) and 17 U.S.C. § 504(c), as the prevailing party in this action,

1 pursuant to Rule 55(b) of the *Federal Rules of Civil Procedure* and under Local
2 Rule 55-1. Plaintiff is further awarded attorneys' fees of \$5,600.00. Plaintiff is
3 further awarded costs, pursuant to 15 U.S.C. §1117(a), to be determined by a
4 Notice of Application to the Clerk to Tax Costs under Local Rule 54-3 within
5 fifteen (15) days after the entry of judgment. Furthermore, Defendant is
6 permanently enjoined and restrained from the following activities and conduct and
7 ordered as follows:

8 a) Defendant and any person or entity acting in concert with, or at the
9 direction of him, including any and all agents, servants, employees, partners,
10 assignees, distributors, suppliers, resellers and any others over which he may
11 exercise control, are hereby restrained and enjoined, pursuant to 15 U.S.C. § 1116,
12 from engaging in, directly or indirectly, or authorizing or assisting any third party
13 to engage in, any of the following activities in the United States and throughout the
14 world:

15 i) copying, manufacturing, importing, exporting, marketing, sale,
16 offering for sale, distributing or dealing in any product or service that uses, or
17 otherwise making any use of, any of Plaintiff's MOPHIE® trademarks and
18 copyrights, and/or any intellectual property that is confusingly or substantially
19 similar to, or that constitutes a colorable imitation of, any of Plaintiff's MOPHIE®
20 trademarks and copyrights, whether such use is as, on, in or in connection with any
21 trademark, service mark, trade name, logo, design, Internet use, website, domain
22 name, metatags, advertising, promotions, solicitations, commercial exploitation,
23 television, web-based or any other program, or any product or service, or
24 otherwise;

25 ii) performing or allowing others employed by or representing him,
26 or under his control, to perform any act or thing which is likely to injure Plaintiff,
27 any of Plaintiff's MOPHIE® trademarks and copyrights, and/or Plaintiff's business
28 reputation or goodwill;

iii) engaging in any acts of federal and/or state trademark and/or copyright infringement, false designation of origin, unfair competition, dilution, or other act which would tend damage or injure Plaintiff; and/or

iv) using any Internet domain name or website that includes any of Plaintiff's Trademarks and Copyrights, including the MOPHIE® marks.

b) Defendant is ordered to deliver immediately for destruction all unauthorized products, including counterfeit MOPHIE® products and related products, labels, signs, prints, packages, wrappers, receptacles and advertisements relating thereto in his possession or under his control bearing any of Plaintiff's intellectual property or any simulation, reproduction, counterfeit, copy or colorable imitations thereof, and all plates, molds, heat transfers, screens, matrices and other means of making the same, to the extent that any of these items are in Defendant's possession.

IT IS SO ORDERED, ADJUDICATED and DECREED this 25th day of April, 2012.

Voseghine Tari

HON. JOSEPHINE STATON TUCKER
United States District Judge